



## Federal Update for July 21 – 25, 2014



### *Testimony of Mr. Robert A. McDonald Nominee to be Secretary of Veterans Affairs*

U.S. Department of Veterans Affairs

Before the Senate Committee on Veterans' Affairs

July 22, 2014

Chairman Sanders, Ranking Member Burr, Distinguished Members of the Committee on Veterans' Affairs, and veterans here and across the country – thank you for the privilege of addressing you today. I am honored to be before you today seeking your endorsement to become the Secretary of the Department of Veterans Affairs. Thank you for scheduling this hearing so expeditiously.

I would like to recognize my wife of nearly 37 years, Diane. Diane and I are blessed with three living parents (her father has passed away), and two children Jenny and Rob. Jenny is married to Scott, and Jenny and Scott have blessed us with two grandchildren, Matthew and Michael. Only Diane could be here today. Over the last several weeks, I have had the opportunity to meet with many of you individually. I deeply appreciate the Committee's concern for and unwavering support for our veterans and for the mission of the Department of Veterans Affairs. I've listened carefully to your concerns and advice, and have benefited from your counsel.

I very much appreciate the confidence of President Obama in this nomination and am fully committed to fulfilling his charge to me—that is, to transform the Department of Veterans Affairs into an organization that delivers on its Mission. That Mission is to fulfill President Lincoln's promise 'To care for him who shall have borne the battle, and for his widow and his orphan' and by serving and honoring the men and women who are America's Veterans. I also want to create an organization that lives by its Core Values of integrity, commitment, advocacy, respect, and excellence.

My life's purpose has been to improve the lives of others. I went to West Point to be an officer in the Army to try to help free people who were living in non-free societies. I became an Airborne Ranger Infantry Officer in the 82nd Airborne Division because I wanted to be on the front line in leading that change. I joined The Procter & Gamble Company 34 years ago because of its purpose, which is to improve the lives of the world's consumers.

My time at West Point and as a Captain in the 82<sup>nd</sup> Airborne Division instilled in me a lifelong sense of duty to country. My values are steeped in my experiences at West Point and in the military. Those values are what allowed me to be an effective leader at Procter and Gamble – and those values are what I will bring to the management of the VA. I am still guided by the West Point Cadet Prayer, which encourages us to “choose the harder right rather than the easier wrong.” For me, taking care of veterans is personal. I come from and care deeply for military families. My father served in the Army Air Corps after World War II. My wife's father was shot down over Europe and survived harsh treatment as a POW. Her uncle was exposed to Agent Orange in Vietnam and still receives care from VA. My nephew is in the Air Force, deployed in the Middle East.

My 33 years with the Procter & Gamble Company taught me the importance of effective management, strong leadership, and of being responsive to the needs of customers. When I joined the company in 1980, we recorded \$10 billion in sales with over 60,000 employees and with an extensive domestic and international field structure. Today that business is over eight times larger, at \$84 billion, with almost double the number of employees. Now P&G's brands are present in nearly every country of the world. I helped lead this transformation.

I am a forward-looking leader who spent my business career expanding P&G to serve new, emerging, and underserved customers. For example, during my time at the company, we worked to digitize the operations of P&G from end to end, including using digital technology in remote areas to acquire and serve new customers. We added approximately one billion new customers over four years. That's the experience needed to modernize VA to serve the next generation of returning warriors, including women, post-9-11 veterans with complex injuries, and those suffering from Traumatic Brain Injury and Post-Traumatic Stress Disorder.

As I have met with members of this Committee over the past few weeks, you have told me the depth of the crisis at the Department of Veterans Affairs. While there is much that is going well, there have been systematic failures, which suggest that some in the organization have lost track of the Mission and the Core Values. The Department's problems with access, transparency, accountability, and integrity have been well documented by this Committee and your congressional colleagues, as well as by the President, Secretary Shinseki, Acting Secretary Gibson, the Inspector General, the Government Accountability Office, the Office of Special Counsel, Veterans Service Organizations, and Military Service Organizations. There is a lot of work to do to transform the Department and it will not be easy, but it is essential and can be achieved.

The seriousness of this moment demands urgent action, and if confirmed, I pledge to this Committee, and to our nation's veterans, to take a series of immediate actions over the first 90 days to deliver the needed reforms our veterans deserve. I will put the veteran at the center of all we do, consistent with our Mission.

If confirmed, on day one, I will lay out my leadership vision directly to all VA employees on a national video conference with all VA sites. My charge will be to provide veterans the care they have earned in the most effective way possible. I will ask VA employees to join me in reaffirming our commitment to VA's Mission and Core Values. I also plan to ask all employees to bring forward any additional flags, concerns, or problems, so as the leader, I know the full picture of what's going wrong and what can be improved. If confirmed, it will be important to incentivize this process and reward those that constructively come forward to solve problems. I have much to learn about the organization and look forward to gaining valuable input and insights from its employees as well as veterans and other stakeholders.

If confirmed, I will also renew the Department's strategic plan and ensure it is properly deployed, so that each individual in the organization knows how their work every day ties back to the strategic plan and the Mission of caring for veterans. In the short term, this will mean asking employees to refocus on the Mission and Values of VA. By getting out in the field and talking with veterans and employees and learning as much about the organization as possible, I would be able to determine the processes that would need to be reorganized or

streamlined. In the longer term, this will require restructuring employees' performance metrics and evaluations.

In order to regain the trust of the American people, and most importantly veterans, we must ensure every employee has an action plan in their annual performance review that rolls up to the strategic plan and Mission of the Department. The majority of employees at VA are dedicated to the Mission and Values of the organization. But, those employees that have violated the trust of the Department and of veterans must be, and will be, held accountable.

If confirmed, I plan to improve the communication between the field structure and the central office; between the employees and the leadership. I will start by hosting quarterly video conferences with the entire field structure. I also plan to travel extensively over the first several months to hear directly from employees, veterans, and other stakeholders. I also plan to establish a board of physicians to advise the Secretary on best practices for delivering timely, quality health care. If confirmed, I will also focus on reorganizing the Department to most efficiently and effectively use our resources to get veterans the care they earned and deserve. The Department must improve its forecasting and develop a strategy for meeting increased demand. At the same time, I believe the Department will need to continue to expand the use of digital technology to free human resources that can be applied more to care for the veterans. Further, I plan to take advantage of VA's scale to improve productivity and flow people to the work. Today, the Department operates as loosely-connected individual Administrations. Tomorrow, I hope the Department can be "one team with one dream" that will be to get the best care and services to our veterans in an efficient and timely manner.

It is clear that VA must be more efficient and productive. The Department needs to demonstrate that it can manage a complex facilities portfolio; that it can create, with Department of Defense, an integrated records system; that it can regularly and accurately produce key data for decision-makers and oversight entities; and most importantly, providing to veterans the highest quality and most cost-effective benefits possible. All of these things are possible through some of the steps I've outlined here and will continue to pursue: expanding the use and application of technology; redefining roles, and increasing accountability.

If confirmed, I will work to transform the Department of Veterans Affairs. I will continue to partner with you, members of the Senate Committee on Veterans Affairs, others in Congress, government agencies, Veterans Service Organizations, and other stakeholders.

The Department has made great strides in serving veterans thanks to the commitment of many dedicated employees, and hard work with our partners and advocates in the community. But the VA is in crisis. The veterans are in need. There is much to do. I can think of no higher calling than to serve our veterans who have so selflessly served our country. With your support, I am confident we will succeed at the Department of Veterans Affairs. Thank you. I look forward to your questions.

## ***Gulf War Syndrome Update ► Presumptive Condition Requests Rejected***

The Department of Veterans Affairs has rejected a request from members of Congress and veterans advocates to make brain cancer, lung cancer and migraines for Gulf War veterans. Officials said they cannot prove the high rate of these illnesses among Gulf War vets are related to military service. VA officials said the number of brain cancer deaths for soldiers exposed to sarin gas was too low to be conclusive, though it was double the rate of soldiers not exposed. And the rate of lung cancer deaths, though 15 percent higher than those who did not serve in the 1991 Gulf War, is "inconclusive" because researchers did not know how many of the servicemembers smoke. "I'm disappointed with their decision, but hold out hope that further studies will convince the VA," Rep. Timothy Walz (D-MN) told USA Today. "We must ensure our brave veterans get the care they need, and this is part of that effort."

If a veteran is diagnosed with a presumptive condition, Veterans Affairs is required to assume that it is military-connected, and that the veteran is then entitled to medical or disability benefits associated with the diagnosis. Those exposed to smoke after Saddam Hussein set his oil wells on fire, as well as to sarin gas after the U.S. bombed a munitions plant in Khamisayah, Iraq, saw an increased risk of brain cancer, according to a study Rep. Mike Coffman (R-CO) and Walz cited in letters to former VA secretary Eric Shinseki in March. As many as

100,000 troops may have been exposed to sarin, a nerve agent, according to the Defense Department, but a recent study shows more may have been affected. Gulf War vets also saw a "significant relative excess" of lung cancer, according to a second study. And a third study showed that veterans with chronic fatigue syndrome or Gulf War Illness were likely to also suffer migraines, the lawmakers wrote. "I am very interested in your opinion of whether the studies enclosed are sufficient to add these three health problems to the list of presumptives related to Gulf War Illness," Coffman wrote in March. "If you believe they are not, please detail the VA's current and planned efforts related to these three problems.

[Source: USA Today | Kelly S. Kennedy | Jul 7, 2014 ++]

## ***Vet Federal Jobs ► Initiatives that Give Vets an Edge***

Federal agencies aren't trying to hire veterans just because they think it's a nice thing to do. They've been ordered to do so by their chief executive and board of directors — the president and Congress. To help agencies reach vet hiring goals, federal leaders have established several special pathways to federal jobs for vets. Taking advantage of these typically requires vets to submit particular paperwork and documentation. For more details, visit <http://www.fedshirevets.gov>. And keep in mind that many other qualified vets may be trying to use the same programs to land the same jobs. A so called "noncompetitive" job listing may eliminate civilian competition, but you'll still be competing with fellow vets. Federal hiring is still merit based, and these special perks likely will do nothing for vets who apply for jobs for which they're not qualified. But for vets who are, the following programs could push their résumés to the top of the stack.

- Veterans preference provides a slight boost to the applications of qualifying vets who are trying for open, competitive listings, often in the form of numerical points added to their exam or application scores. Vets who don't have service connected disabilities but do meet certain service requirements can get five extra points. Disabled vets can get 10.
- Veterans recruitment appointments can land vets in federal jobs without those positions being opened up to the general public. Agencies are authorized to simply appoint qualified vets to positions as high as the GS-

11 federal pay level. This is available to honorably discharged, recently separated vets, as well as those who are disabled or received a campaign badge or service medal.

- Veterans Employment Opportunity Act allows veterans to apply for job openings that are otherwise open only to current and former federal employees. This is available to honorably discharged, recently separated vets, as well as those who are disabled, received a campaign badge or meet other requirements. Family members of vets injured or killed in action also may qualify.
- Veterans rated 30-percent or more disabled can be appointed to a federal job noncompetitively if their disability is service connected.
- Disabled veterans enrolled in a VA training program can undergo training at a federal agency. When the training is complete, the agency can appoint that vet to a job noncompetitively.
- Recent Graduates Program is an initiative for people with and without military service, but vets may be eligible for a longer time. It's open to recipients of everything from technical certificates and associate degrees to doctorates. Non-vets must have graduated within the last two years. Vets who were prevented from applying for the program within that time frame because of military service may be able to take advantage of the program up to six years after graduating. The program typically lasts for one year, after which agencies may place participants in permanent jobs.
- Presidential Management Fellows Program is also open to people with and without military service, but qualifying vets receive preference. Applicants must have graduated with an advanced degree, such as a master's or professional degree, within the last two years. This is a two-year paid fellowship, after which the participant may be placed in a permanent federal job. [Source: NavyTimes | George Altman | Jul 14, 2014 ++]

## ***Vet Toxic Exposure ~ Lejeune Update ► Nexus Opinion Claim Impact***

The major media has covered this story for years. The health effects on Marines, their dependents and civilian workers are tragic reminders of what happens when toxic chemicals are dumped into the ground and find their way into the aquifer and the tap water. The main chemicals involved were volatile organic compounds (VOCs) such as perchloroethylene (PCE), a dry cleaning solvent, and trichloroethylene (TCE), a degreaser; however, more than 70 chemicals have been identified as contaminants at Lejeune, including benzene and vinyl chloride. The last contaminated well was shut down in 1987. Providing VA health care to those injured from the toxic water took another 25 years. In August 2012, President Obama approved presumptive health care for 15 medical conditions for Camp Lejeune Marines and their dependents.

The Janey Ensminger Act requires the VA to provide health care for Lejeune victims of the contaminated water who suffer from cancer of the esophagus, lung, breast, bladder or kidney; leukemia; multiple myeloma; myelodysplastic syndromes; renal toxicity; hepatic steatosis; female infertility; miscarriage; scleroderma; and/or neurobehavioral effects or non-Hodgkin's lymphoma. Retired Marine Master Sergeant Jerry Ensminger spearheaded the drive for health care coverage through Congress. Janey Ensminger, his 9 year old daughter, died from leukemia after ingesting the contaminated water. The law doesn't provide for VA disability compensation to veterans injured by the contaminated water and veterans can't sue the government for injuries linked to active duty. Their only recourse is to file a VA disability and compensation claim. Claims for Camp Lejeune water contamination are processed by the VA in their Louisville, KY, office.

At the VA's Louisville office, the VA reviews all available evidence concerning the veteran's service at Camp Lejeune, family history and exposures prior to and post-service, and all scientific and medical literature related to the particular claimed disabilities, according to an informed Congressional source. This same source provided information that supported the critical need for an acceptable VA medical nexus opinion. Camp Lejeune Marines have better odds at a black jack



table than winning a VA disability claim, according to data provided by the Congressional source: The VA's statistics as of January 31, 2014, showed that the VA's Louisville office had processed 9,703 medical claims, approved 349 (3.6%), and denied 9,354 (96.4%). Why the extraordinarily high denial rate? The information provided to columnist Robert O'Dowd from the Congressional source stated that:

*"Claims issues are denied when there is no credible medical opinion establishing a link between exposure to the contaminants and subsequent development of the claimed disability. This is reflected most in the 9,354 miscellaneous conditions that have been denied. In each of these, there was no or insufficient medical evidence establishing that it was at least as likely as not that the condition was associated with exposure to the contaminants in the water. Please note that this information does not reflect the number of unique Veterans who have received decisions. Rather, it reflects the number of individual medical issues decided, as Veterans may submit claims for multiple issues. A total of 5,217 claims have been decided, and 3,224 Camp Lejeune claims are currently pending."* According to the VA, Camp Lejeune Marines failed to provide a "credible medical opinion" (nexus opinion) and medical evidence to support VA disability claims. Without an independent audit by the VA Inspector General or the GAO, it's impossible to tell whether the fault lies with the veterans or the VA. It's not unusual for veterans who suffer from cancers to be unemployed and desperate for ways to support their families. Most Americans would agree that when diseases are caused by exposure to toxic chemicals in military service, the government has a moral obligation to provide compensation to the veterans. The legal argument for presumptive disability compensation for Camp Lejeune veterans was published in the Veterans Law Review in January 2012. It fell on deaf ears. Should the Congress have approved presumptive disability compensation for Camp Lejeune veterans? The short answer is 'HELL YES'. But, this is only wishful thinking at this point in time.

It doesn't matter if the veteran has one of the 15 medical conditions listed in The Janey Ensminger Act (Public Law 112-154). No nexus opinion is the fastest track to a VA denial of disability. VA regulations require that Marine and Navy veterans who served at least 30 days at Camp Lejeune during the period 1957 until 1987 and have one or more of the medical conditions listed in the The Janey Ensminger Act must file a VA disability compensation claim supported by a doctor's medical

nexus opinion. The nexus opinion makes the connection between an in-service event (e.g., contaminated water) and an existing medical condition. The doctor's nexus opinion must state that the veteran's medical condition is "at least as likely as not" due to exposure to toxic chemicals. In simply terms, this means that there is a 50% subjective probability that the medical condition was caused by exposure to Lejeune's contaminated water. In other words if half the evidence supports the contaminated wells were the cause of the disease, the veteran wins.

Filing a VA disability compensation claim is a legal process. Although there's nothing to prevent VA doctors from writing nexus opinions, there is a possibility that VA doctors would be unwilling to risk criticism from VA management by writing a nexus opinion that results in a successful disability claim against the government. Thus veterans often need to seek opinions from other sources to support their claims. Since doctors normally charge a fee for reviewing a veteran's service and medical history, A Marine veteran of Camp Lejeune with terminal cancer and unemployed may not have the financial resources to pay for a nexus opinion. An alternative may be medical doctors employed by city and county health departments. For example, the City of Philadelphia has an excellent Department of Public Health that local residents have access to even if they have no health insurance or money to pay for services.

Info on writing nexus opinions and the VA disability process is available on line from the College of William and Mary's Lewis B. Puller, Jr. Benefits Clinic. The mission of the clinic is to provide current and former military service members with knowledge of and assistance with pursuing available disability benefits resulting from their military service. The Lewis B. Puller, Jr. Benefits Clinic provides an excellent series of videos on the veteran's disability claim process, including the critical nexus opinion. Check out:

<http://law.wm.edu/academics/programs/jd/electives/clinics/veterans/For%20Veterans/youtube/index.php> [Source: Veterans Today | Robert O'Dowd | Jul 3, 2014 ++]

## ***Vet Charity Watch Update ► \$24.6M Settlement in DVNF Case***

A direct-mail fundraising company that sent solicitations on behalf of a disabled veterans' charity but took in most of the money raised will pay \$9.7 million in

damages and the charity will re-organize its board and reform its practices as part of a \$24.6 million settlement, the office of state Attorney General's Eric Schneiderman said. Besides the damages, the settlement calls for Quadriga Art direct-mail company to forgive \$13.8 million still owed to it by the charity and pay \$800,000 to the state for costs and fees. Convergence Direct Marketing, which Schneiderman's office said also played a role in the fundraising, will pay \$300,000 in damages. The \$10 million in damages from the two direct-mail vendors is slated to go to efforts to help disabled veterans including spinal cord research. Quadriga and Convergence designed direct-mail fundraising appeals for the charity, which was founded in late 2007, and raised more than \$116 million. The mailings included material that was false or misleading, such as stories about veterans the charity hadn't helped. The direct-mail vendors had an agreement with the Washington, D.C. based charity in which the vendors assumed the cost of the donation campaigns and were paid by the money that came in.

Schneiderman's investigation found that the Disabled Veterans National Foundation (DVNF) board had little experience with direct-mail fundraising and performed very little oversight of Quadriga's and Convergence's operations, including the relationships and financial arrangements among various company executives and board members. The investigation showcased "some of the most troublesome features" of direct-mail fundraising. "Taking advantage of a popular cause and what was an unsophisticated start-up charity, these direct-mail companies used cleverly designed but misleading mailers to raise tens of millions of dollars in donations from generous Americans, nearly all of which went to the fundraisers and their agents, and left the charity nearly \$14 million in debt. None of the parties admitted any wrongdoing. As the charity's part of the settlement, its board members will step down and new ones will be brought on, and it has to stop using false or misleading fundraising materials and create an independent audit committee. The charity, which in recent months appointed a new chief executive officer, said it "welcomed" the agreement. "This is a very significant and positive step for the Disabled Veterans National Foundation that will enable us to improve the services we deliver and increase transparency with our loyal donors," CEO Joseph VanFonda said. Quadriga CEO Mark Schulhof said his company "made mistakes" in using "a fundraising strategy that outpaced the charity's programs and services." "We mailed too much, and too quickly, for a young charity," he said. The company said it is instituting practices including

presenting the risks and costs of any campaigns to a charity's board and providing an annual report of a campaign's performance. [Source: AP | Deepti Hajela | Jul 1, 2014 ++]

## ***VA Suicide Prevention Update ► Clay Hunt House Bill***

House lawmakers on 10 JUL introduced legislation they say would improve suicide prevention at the Veterans Affairs Department and bring together former service members needing help. Named for a former Marine who died by suicide in 2011 despite actively engaging in treatment, therapy and outreach, the Clay Hunt Suicide Prevention for American Veterans Act would require VA to submit to yearly evaluations of its suicide and mental health programs, team with the National Guard to improve care for members and establish a peer support outreach program for veterans. It also would require the Defense Department to establish a review process for troops who received unfavorable discharges possibly because of behavioral problems related to traumatic brain injury or post-traumatic stress disorder.

The legislation is similar to a Senate bill introduced in March by John Walsh (D-MT) whose bill also would ensure mental health care professionals in VA and DoD receive special training to identify at-risk veterans. It also would increase the number of mental health professionals in VA by repaying school loans of psychiatrists who agree to work for the department. Hunt's mother, Susan Selke, in Washington to testify on veterans suicide before the House Veterans' Affairs Committee, said the legislation would have helped her son, who struggled with the mounds of paperwork and the bureaucratic processes at VA while waiting months for care. "All veterans, but especially those struggling with invisible injuries, should not have to go through red tape to get the mental health care they need and very much deserve. They should not have to jump through hoops to get an appointment," Selke said.

The House bill, sponsored by Reps. Jeff Miller (R-FL), Tim Walz, (D-MN), and Tammy Duckworth (D-IL) would "change thousands of lives for the better," said Paul Rieckhoff, founder and CEO of Iraq and Afghanistan Veterans of America. "Our friends are dying and they are dying right now. In the past few months, we've heard a lot of rhetoric. ... It's time for action," Rieckhoff said. Miller

expressed optimism that his House colleagues would approve the legislation and added that Sen. Bernie Sanders (I-VT), chairman of the Senate Veterans' Affairs Committee, was aware of the bill in addition to the Senate companion legislation. "Unfortunately, suicides are happening at a frightening pace. The system has to change and if they won't change it, the Congress will," Miller said. The Congressional Budget Office is reviewing the proposed legislation to determine its cost. [Source: NavyTimes | Patricia Kime | Jul 10, 2014 ++]

## **Legislative Goals Update ► Congress' Immediate To-Do List**

Congress returned from its July Fourth vacation to a long list of high-profile, unfinished defense business and a short legislative calendar before the November elections. The new Veterans Affairs Department reform bill, the annual defense appropriation bill, the annual defense authorization bill, and funding for military construction and VA operations for fiscal 2015 are all on lawmakers' immediate to-do list — in between more briefings on the situation in Iraq and other overseas threats. But Congress is scheduled to be in session only 28 days before breaking in August, and likely will return for only a week or two in the September/October time frame before the November midterm elections. That 28-day total also includes 10 Mondays and Fridays, days which at best feature a light schedule of work under normal circumstances. Here's a look at what might and might not get completed before the late-fall lame-duck session:

### **VA Reforms**

Spurred by the ongoing controversies in the department, VA reform legislation has the best chance of any defense or veterans measure to pass quickly in July. The legislation would expand private care options for veterans who face lengthy waits to see VA doctors or live in rural areas, and make it easier to fire underperforming VA executives. Leaders in the House and Senate have expressed support for the idea, and members of a conference committee met before the July Fourth break to begin finalizing the bill. Cost appears to be the only major stumbling block left. A Congressional Budget Office estimate in early June said the expanded care could require up to \$50 billion a year in new spending, but Senate supporters have called that a ridiculous overestimate. Rep. Jeff Miller (R-FL), chairman of the House Veteran's Affairs Committee, has said that representatives on the conference committee will push for spending offsets to prevent the bill

from adding to the federal budget deficit. To do that, he said new, more accurate spending estimates are needed, which could slow the process. But Sen. Bernie Sanders (I-VT), Senate Veterans' Affairs Committee chairman, has promised that delay won't drag on for weeks. He originally predicted the measure would be finished before 1 JUL, and is now vowing to get it to President Obama's desk in early July.

### **Defense authorization bill**

The House has already approved its version of the annual defense policy bill, and members of the Senate Armed Services Committee are hopeful they can bring their draft to the Senate floor in the next few weeks. Whether that means they can reconcile differences in the two measures before the end of the fiscal year is another issue. Both versions reject Pentagon plans to overhaul Tricare fees, trim the commissary benefit and reduce housing allowances. The House draft offers moral support — but no hard mandate — for a 1.8 percent basic pay raise next year, while the Senate agrees with the 1 percent pay increase preferred by the White House. Both measures would preserve the Air Force's A-10 fleet, but differ in how they would pay for it. Before the chambers can talk about negotiating differences, the full Senate must pass its version. Sen. Harry Reid (D-NV), the Senate majority leader, still has not scheduled floor debate on the measure as of 8 JUL, although the Senate Armed Services Committee has been pushing for it since late May. Committee chairmen Sen. Carl Levin (D-MI) and his House counterpart, Rep. Buck McKeon (R-CA) have expressed optimism about finishing the legislation before Oct. 1, a rare occurrence even outside an election year. The short time frame remaining will make that nearly impossible.

### **Appropriations bills**

Still, the defense authorization bill has a better chance of being completed than the accompanying defense appropriations bill. The House already has approved a \$570 billion defense spending plan, but the Senate Appropriations Committee won't mark up its version until July 17. That will leave just a few legislative days to get the measure to the Senate floor, an unlikely rush for a budget bill. In addition, the White House on June 26 sent its first draft of the proposed overseas contingency budget for fiscal 2015, totaling nearly \$66 billion. Lawmakers have just begun digging into that request, which includes \$1.5 billion in aid to Iraq and its neighbors "to promote internal stability" in the region. Meanwhile, the VA appropriations bills are in the same legislative limbo. The House approved a \$158

billion spending plan for the department in April, but a similar budget proposal is stalled in the Senate. Despite early work on the measures, most Hill staffers assume that finalizing the appropriations bills will be part of the lame-duck session, with an eye toward the new lawmakers coming into office in 2015.

## ***Following is a Summary of Veteran Related Legislation Introduced in the House and Senate since the Last Bulletin was Published***

- H.R.5022: Enhanced Dental Care for Veterans Act of 2014. A bill to amend title 38, United States Code, to improve dental health care for veterans, and for other purposes. Sponsor: Rep Vargas, Juan [CA-51] (introduced 7/8/2014)
- H.R.5032: VA Vocational Rehabilitation Services and Assistance Publication. To direct the Secretary of Veterans Affairs to develop and publish an action plan for improving the vocational rehabilitation services and assistance provided by the Department of Veterans Affairs. Sponsor: Rep Maloney, Sean Patrick [NY-18] (introduced 7/9/2014) Related Bills: S.1586
- H.R.5042: VA Medical Facility Construction Project Pilot Program. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program under which the Secretary enters into partnership agreements with non-Federal entities for the construction of major medical facility projects. Sponsor: Rep McNerney, Jerry [CA-9] (introduced 7/9/2014)
- H.R.5045: Veteran Entrepreneur Job Creation. A bill to increase access to capital for veteran entrepreneurs to help create jobs. Sponsor: Rep Peters, Gary C. [MI-14] (introduced 7/9/2014)
- H.R.5047: Non-Alteration of VA Wait Times and Available Health Care. A bill to prohibit the Secretary of Veterans Affairs from altering available health care and wait times for appointments for health care for certain veterans, and for other purposes. Sponsor: Rep Peters, Gary C. [MI-14] (introduced 7/9/2014)
- H.R.5048: VA Mental Health Disorder Care Improvement. To expand and improve care provided to veterans and members of the Armed Forces with mental health disorders or at risk of suicide, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot program on loan repayment for

psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes. Sponsor: Rep Peters, Gary C. [MI-14] (introduced 7/9/2014)

- H.R.5054: Establish VA Office of Whistleblower and Patient Protection. A bill to amend title 38, United States Code, to establish within the Department of Veterans Affairs an Office of Whistleblower and Patient Protection. Sponsor: Rep Kirkpatrick, Ann [AZ-1] (introduced 7/10/2014)
- H.R.5059: Mental Health Care & Suicide Prevention Program Annual Evaluations. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Defense and the Department of Veterans Affairs, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot program loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes. Sponsor: Rep Walz, Timothy J. [MN-1] (introduced 7/10/2014)
- H.R.5088: Court of Appeals for Veterans Claims Class Actions. To amend title 38, United States Code, to establish procedures for class actions at the Court of Appeals for Veterans Claims, and for other purposes. Sponsor: Rep Murphy, Patrick [FL-18] (introduced 7/11/2014)
- Senate Bills - None [Source: <http://www.loc.gov> & <http://www.govtrack.us/congress/bills> Jul 13, 2014 ++]

## **Landmines ► Major U.S. Policy Change**

A major change in U.S. policy on landmines should not affect the mines in the Demilitarized Zone separating North and South Korea. On 27 JUN, the National Security Council announced that the U.S. government will neither acquire new landmines nor replace existing stockpiles. The U.S. also will pursue technological alternatives to landmines so that it can eventually join the Ottawa Convention, under which landmines are banned. In the meantime, the U.S. military has enough landmines in its stockpiles to last 15 to 20 years, a senior defense official said 27 JUN.

For years, the U.S. government has resisted efforts to ban landmines outright, citing a need for them to deter North Korea from crossing the DMZ into South



Korea. While the U.S. government is changing its policy on landmines, it remains committed to defending South Korea, NSC spokeswoman Caitlin Hayden said. "The situation on the Korean Peninsula presents unique challenges," Hayden said in an email to Military Times. "Any changes to our landmine policy with respect to the Korean peninsula would be made only after close consultation with our South Korean ally." Hayden reiterated that the U.S. government is looking into safer technologies so that it eventually will no longer have to use landmines. "As we are still actively investigating potential technological alternatives, we do not have more specific details at this time," she said. "We are also, through our modeling and simulation effort, exploring alternative warfighting methods."

One technological solution would be to perfect the kill switches on mines that render them inert after a certain period of time, said retired Army Maj. Gen. Robert Scales, former commandant of the Army War College. Right now, the kill switches fail on 1 percent to 2 percent of mines, but that numbers goes up to 3 percent or 4 percent in mountainous terrain, where the mines often hit the ground at an angle. "The problem with that is it's very, very expensive," Scales said. "We have millions — I don't know how many millions — of artillery and rocket rounds in storage with this old technology. God only knows what it would take to do that." Another solution would be to stop using mines altogether by fitting rockets, artillery and mortar rounds with a guidance system — essentially turning them into smart bombs, he said. One challenge with that approach is that artillery rounds come out of the tube with such force that a guidance system would likely be damaged. If the U.S. abandons the use of landmines entirely, it will be giving up a key tool for conventional wars, Scales said. Scattering landmines in front of approaching tanks would channel them into kill zones, where they can be destroyed by rockets fitted with cluster munitions. "You literally obliterate them," he said. "Everything dies — and you can do it within five seconds. No other munition in the world can do that. You can't do that with regular artillery."

On Friday, Rep. Buck McKeon, R-Calif., chairman of the House Armed Services Committee, issued a statement calling the effort to replace landmines with new technology "an expensive solution in search of a nonexistent problem." "Once again, the President makes an end-run around Congress and demonstrates his willingness to place politics above the advice of our military leaders," McKeon said. "His announcement today is perfect for a feel-good press release but bad for

the security of our men and women in uniform. “Irresponsible land mine use by other countries has come at a high humanitarian price, but America isn’t part of that problem. Indeed, we do more than any other country to clean up these irresponsible weapons,” McKeon said, noting that Army Gen. Martin Dempsey, chairman of the Joint Chiefs, “has long declared the responsible land mines we use are an ‘important tool in the arsenal of the Armed Forces of the United States.’ ” McKeon said President Obama “owes our military an explanation for ignoring their advice and putting them at risk — all for a Friday morning press release.” [Source: NavyTimes | Jeff Schogol | Jun 27, 2014 ++]

## ***PTSD Update ► Alternative Treatments / TMS & DBS***

Depression and post-traumatic stress disorder are the most common psychiatric problems faced by service members and veterans. Although their effectiveness varies from person to person, medication and psychotherapy can help the majority of people. For those who don’t respond to either, technology may be the answer. Merging electronics and medical science, doctors are combating cases of depression and PTSD that don’t respond to traditional treatments. The most notable are transcranial magnetic stimulation and deep brain stimulation. Seemingly straight out of a science fiction novel, transcranial magnetic stimulation uses magnets to influence cells in the brain that are responsible for psychiatric symptoms. Placed against a patient’s head, an electromagnetic coil emits brief magnetic pulses that penetrate the skull and stimulate cells in specific areas of the brain. The results of TMS are mixed. But anecdotal reports show doctors who use it say they believe it to be very effective, especially with patients who have not responded to traditional treatments or can’t tolerate the side effects of medications. On rare occasions, seizures may occur from TMS. Headache, scalp discomfort and twitching of facial muscles are the most common side effects.

Deep brain stimulation is a bit more invasive than TMS — it’s actually a surgical intervention. A small medical device is implanted in the chest that delivers electrical impulses via electrodes in the brain. This technique has been used for a variety of neurological disorders for the past two decades with the most significant results seen with patients suffering from Parkinson’s disease and obsessive compulsive disorder. Only recently has DBS been studied for depression

and PTSD. In fact, just this year the military announced plans to study the use of DBS in troops suffering from PTSD and other psychological problems. The Defense Advanced Research Projects Agency has earmarked tens of millions of dollars and is collaborating with a variety of civilian and government researchers to bridge theory with practice in this area.

As might be expected, DBS is not without significant controversy and potential side effects. This neurosurgical procedure requires drilling small holes in the skull to insert the electrodes and another procedure in which the “generator” is implanted under the skin of the chest. As with any surgery, complications such as bleeding and infection can occur. It’s unlikely that TMS and DBS will find their way into your doctor’s office any time soon. But it’s good news that researchers are thinking outside of the box when it comes to improving the lives of service members and veterans suffering from psychiatric conditions. [Source: NavyTimes | Bret A. Moore | Jul 14, 2014 ++]

## ***Senate Committee approves VA nominee***

By Martin Matishak - 07/23/14 12:04 PM EDT

The Hill

The Senate Veterans’ Affairs Committee on Wednesday unanimously approved President Obama’s pick to lead the troubled Veterans Affairs Department, sending his nomination to the full chamber.

Senators voted 14-0 for former Procter & Gamble executive Robert McDonald to run the agency, which has been rocked by a scandal over falsified reports over how long veterans were waiting for care.

It is unclear when the full Senate will vote on his nomination, with lawmakers facing a busy slate of work ahead of the August recess.

Veterans' Affairs Committee Chairman Bernie Sanders (I-Vt.), said he planned to speak with Senate Majority Leader Harry Reid (D-Nev.) to determine when the nomination could be brought to the floor.

“Obviously, we would like to get this done before the break,” he told reporters. McDonald is widely expected to be confirmed by the Senate.

During his confirmation hearing on Tuesday, he promised to hold the VA's employees "accountable" and reform the troubled agency.

"Those employees that have violated the trust of the department and of veterans must be, and will be, held accountable," he told lawmakers.